

**National Association of Telecommunications Officers and Advisors  
National Association of Counties  
National League of Cities**

September 16, 2010

Chairman Julius Genachowski  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: E-Rate Funding  
GN Docket No. 09-51; CC Docket No. 02-6

Dear Chairman Genachowski:

As you know, hundreds of local governments across the country currently serve their schools and libraries with data services over fiber optics at speeds of up to a symmetrical gigabit. The exclusion of these networks from eligibility under the E-rate program has been to the detriment of the children and other citizens that the E-rate program was designed to benefit.

We ask that you move to give to schools and libraries the fullest range of choices feasible under the law, such that they may, through a competitive process, procure either provisioned “lit” services or “dark” fiber from a full range of entities -- regardless of whether those entities are commercial, non-profit (such as the research and education networks), or public (such as cities or counties).

While the potential for schools and libraries to utilize the E-rate program to purchase access to dark fiber is an enormous improvement over the current situation, it is crucial that their choices not be artificially constrained by the distinction between dark fiber and lit services over that fiber. If schools and libraries have the choice only of dark fiber without provisioned services, they will have to “light” the fiber themselves and operate the network electronics themselves (or contract these functions out)—but without the financial support of the E-rate program that is designed to help them. This difficulty would impose upon some schools and libraries not only additional financial burden that may make this solution impractical, but also operational and administrative burdens that could effectively remove this choice as a meaningful option.

While we would be pleased to see dark fiber become eligible for E-rate, we are deeply concerned that this option—as a result of the challenges enumerated above—may be feasible as a practical matter for only a small fraction of school and library systems across the country. We thus ask that you more fully expand the options available to schools and libraries by including in the eligibility for E-rate a full range of

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services that can be provided over local government and non-profit networks that were not previously eligible for the program.

Sincerely,

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National League of Cities: Carolyn Coleman or Leslie Wollack, 202-626-3000

Cc: Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker  
Sharon Gillett, Bureau Chief, Wireline Competition Bureau